

**REMARKS**

Applicants hereby affirm the previous telephonic election of Group I, claims 1-32, whereby claims 33-36 are withdrawn without prejudice or disclaimer. By this Amendment, claims 1-32 are canceled without prejudice or disclaimer, and claims 37-59 are newly added. Therefore, claims 37-59 are pending in the application.

The claims are amended to more clearly define the present invention. The non-narrowing claim amendments do not create any Festo type estoppel.

Reconsideration and allowance of all claims are respectfully requested in view of the following remarks.

- Claims 1, 2, 4, 5, 7, 9-12, 14-16, 18-21, and 23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Hersom* (U.S. Patent No. 4,839,980).
- Claims 31-32 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Blaschke* (U.S. Patent No. 6,260,302).
- Claim 3 stands rejected under 35 U.S.C. § 103(a) as being obvious over *Hersom*.
- Claims 6, 8, and 22 stand rejected under 35 U.S.C. § 103(a) as being obvious over *Hersom* in view of *Wallin* (U.S. Patent No. 3,077,693).
- Claim 13 stands rejected under 35 U.S.C. § 103(a) as being obvious over *Hersom* in view of *Everett* (U.S. Patent No. 4,922,643).
- Claim 17 stands rejected under 35 U.S.C. § 103(a) as being obvious over *Hersom* in view of *Tanikuro et al.* (U.S. Patent No. 4,809,458).
- Claims 24-30 stand rejected under 35 U.S.C. § 103(a) as being obvious over *Hersom* in view of *Hansen* (U.S. Patent No. 6,000,808).

Applicants respectfully submit that each of these rejections is rendered moot by the

present claim amendments.

- Applicants offer the following remarks concerning the applied references, which fail, alone or in combination, to teach or suggest all the claim limitations of newly added claims 37-59.

Hersom

The *Hersom* reference discloses a light 36 that may receive electrical current from electrical assembly 30 for indicating that electrical contacts 18 are active, where contacts 18 are used for electrically shocking a fish (e.g., col. 1: lines 44-46; col. 2: lines 64-68). Light 36 may be placed on frame yoke 16 to cast light onto the net 14 (e.g., col. 3: lines 2-3). In an alternative embodiment, an LED may be included in electrical assembly 30 to provide a separate indication of activation of the electrical charge [used for shocking fish]. (e.g., col. 3: lines 4-6).

By comparison, *Hersom* does not teach or suggest an LED used for illuminating. Rather, the LED of *Hersom* is used as a charge indicator as a part of electrical assembly 30. As shown therein in Figs. 1-2, electrical assembly 30 is located in the handle 24. Therefore, the LED of *Hersom* is not used for illuminating but, rather, for indicating an electrical charge status. In addition, *Hersom* does not teach or suggest a lens, at all. Further, *Hersom* does not teach or suggest a rotating lens, or a rotating lens switch, or radially-aligned contacts for effecting an on/off switching of electrical power to an LED used for illuminating.

Still further, *Hersom* does not teach or suggest various other claim limitations of subject claims 37-59 including, but not limited to, the light body of claim 38 or claim 47, the keying structure of claim 39, the groove and ridge of claim 40, the brightness level of claim 41, the disc-shaped battery of claim 43, the brightness adjuster of claim 44, the plurality of rotary switch positions of claim 45, the disc-shaped cartridge of claim 46, the illumination module of claim 48,

the shape and key of claim 49, the reflective tape or reflective coating of claim 50, the fluorescent pigment of claim 51, the optical filter of claim 52, the pigment replicating a fish-friendly environment of claim 53, the pigment in a pattern that replicates a fish-friendly environment of claim 54, the 2D or 3D pattern of claim 55, the light beam shaper of claim 56, the clamp of claim 57, the rotary switch lens for on/off switching of an LED in an insertable module of claim 58, or the lens means of claim 59.

Applicants respectfully disagree with the Examiner's characterization (i.e., Office action, at page 3) of *Hersom* as concerning electrical contacts. Applicants respectfully submit that the contacts 18 of *Hersom* are used for shocking fish, not for on/off switching. In addition, the only on/off switch disclosed in *Hersom* is a switch 40 that is depressed (e.g., col. 3: line 22). Reference character 44 of *Hersom* is an endcap that does not teach or suggest (i.e., col. 3: lines 36-38) what is claimed.

*Blaschke*

The *Blaschke* reference discloses a fishing device having a light 76 attached to a handle (e.g., col. 5: lines 25-27; Fig. 8).

By comparison, *Blaschke* does not teach or suggest any of the above-noted claim limitations of the subject claims. Therefore, there would have been no motivation or suggestion to have modified the *Blaschke* device.

*Wallin*

The *Wallin* reference discloses a flashlight 7 that functions as a handle for a frame 39 holding a net 40 (e.g., col. 1: lines 46-47; col. 2: lines 32-36, 42). An electrical contact is made between the barrel 8 and a contact 30 via a slidable thumb switch 32 (e.g., col. 2: lines 20-22; Fig. 4).

By comparison, *Wallin* does not teach or suggest any of the above-noted claim limitations of the subject claims. In addition, a modification of *Wallin* would not have been suggested to one skilled in the art because, for example, an illumination module being insertable into the net end of a pole or shaft would be contrary to the *Wallin* use of a flashlight 7 as the handle for a net.

*Everett*

The *Everett* reference discloses an illuminated fishing float having a disc type battery 19 disposed orthogonally with respect to an LED 15 (e.g., Figs. 2 and 4), where leads 13, 14 of LED 15 are frictionally engaged with terminals of battery 19 (col. 2: lines 56-58).

By comparison, *Everett* discloses a disc type battery but does not teach or suggest any other of the above-noted claim limitations of the subject claims. The disclosure of the above-cited embodiment in *Everett* teaches away from the claimed invention since a modification of *Everett* would render such embodiment inoperable. See, e.g., MPEP § 2143.01 (citations omitted).

*Tanikuro et al.*

The *Tanikuro* reference discloses a self-luminous buoy having light-emitting elements 8 on a disk-shaped base 6 that emit light upward through upper semispherical portion 3 (e.g., col. 3: lines 16, 21, 26-28; Figs. 1-2).

By comparison, *Tanikuro* discloses an LED used for illumination but does not teach or suggest any other of the above-noted claim limitations of the subject claims. In addition, a modification of *Tanikuro* would not have been suggested to one skilled in the art because *Tanikuro* is non-analogous art. To be analogous art, a “reference must either be in the field of applicant’s endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned.” MPEP § 2141.01(a), citing *In re Oetiker*, 24 USPQ2d 1443, 1445

(Fed. Cir. 1992). In our case, a lighted buoy is not relevant to fish landing apparatus.

Hansen

The *Hansen* reference discloses a lighted fishing pole having eyelets 18 that can be coated with a translucent, light-transmitting, phosphorescent or luminescent material, to be illuminated by a light-transmitting element 126, having a glowing exterior surface, as the light-transmitting element passes in contact or in close proximity to the eyelets (e.g., col. 3: lines 61-67; col. 4: lines 15-21). Different colored lens 127 may be used to have the light take on a selected color of the lens 127 (e.g., col. 4: lines 22-26; Fig. 4). The light source 124 is disposed in the handle 114 of the fishing pole 10 (e.g., col. 3: lines 32-36).

By comparison, *Hansen* discloses a use of phosphorescent or luminescent material on eyelets of a fishing pole, which is a reflective coating, but *Hansen* does not teach or suggest any other of the above-noted claim limitations of the subject claims. In addition, *Hansen* does not contain any motivation or suggestion to combine references or to modify the disclosure therein.

Additional Prior Art References of Record

A review of the additional references cited, but not applied, fails to identify any teaching or suggestion of the claimed invention.

Request for Interview

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly **requested to call** the undersigned at the telephone number listed below.

Applicant hereby petitions for any extension of time which may be required to maintain

Amendment under 37 C.F.R. § 1.111  
Application Serial No. 10/699,519

the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 10-0270.

Respectfully submitted,

A handwritten signature in dark ink, appearing to be 'JWB', is written over a horizontal line.

John W. Bain  
Registration No. 42,283

Jansson, Shupe & Munger, Ltd.  
Main Place - 245 Main Street  
Racine, WI 53403  
Telephone: (262) 632-6900  
Facsimile: (262) 632-2257

Date: June 2, 2005